IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

| | | | |
|---|---|---|---|
| Appl. No. | : | 09/803,219 | Confirmation No. 6786 |
| Applicant | : | William J. Hilliard | |
| Filed | : | 03/07/2001 | |
| For | : | METHOD AND SYSTEM FOR | |
| | | IMPROVED INTERNET COLOR | |

| | | |
|---|---|---|
| TC/A.U. | : | 2628 |
| Examiner | : | MICHELLE K. LAY |

| | | |
|---|---|---|
| Docket No. | : | 06783P042X |
| Customer No. | : | 8791 |

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37(a)

This is an appeal to the Board of Patent Appeals and Interferences from the decision of

the Examiner of Group 2628, dated January 23, 2007, which finally rejected claims 1-33 in the

above identified application. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. §

41.37(a).

# TABLE OF CONTENTS

## I.  REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee of the full interest in the invention, LightSurf Technologies Inc., a California corporation, located at 110 Cooper Street, 4th Floor, Santa Cruz, CA 95969, a wholly owned subsidiary of VeriSign, Inc. a Delaware corporation, located at 487 East Middlefield Road, Mountain View, CA 94043.

## II.  RELATED APPEALS AND INTERFERENCES

To the best of the Appellants' knowledge, there are no other appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

## III.  STATUS OF CLAIMS

Claims 1-33 are pending in the application and were finally rejected in the Office Action mailed January 23, 2007.  Claims 1-33 are the subject of this appeal.  A copy of claims 1-33 as they stand on appeal are set forth in Claims Appendix A.

## IV.  STATUS OF AMENDMENTS

No amendments have been submitted subsequent to the Final Office Action mailed January 23, 2007.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants' invention as claimed in claims 1-33 is directed to a method for providing color corrected images, from an image provider, to a user over a network. A user's computer and its associated devices may not be calibrated and/or characterized by, or calibration and/or characterization data may not available to, an image provider. Thus, the Appellants' presently claimed method allows image providers to distribute images with enhanced accuracy (e.g., via image color correction) to user image display systems that have not been characterized and/or calibrated, or that do not make characterization and/or calibration information available to image providers (Specification, page 54, line 22 to page 55, line 21).

Independent claim 1 claims a method for providing images to a client computer over a computer network, including: receiving a request from the client computer to an image server for an image (Specification, page 60, lines 12-25; Figure 21, element 612; page 54, lines 23-28); determining the unavailability of client computer image display characteristics to the image server (Specification, page 60, lines 12-25; Figure 21); and selecting a set of default image display characteristics to adjust the requested image in accordance with the set of default characteristics for display on the client computer, the set of default image display characteristics being unrelated to the image display characteristics of the client computer (Specification, page 60, lines 12-25; Figure 21, element 640; page 55, line 11 to page 59, line 6).

Dependent claim 2 further claims that the set of default image display characteristics is based on average image display characteristics of a plurality of computer clients having known image display characteristics (Specification, page 54, line 29 to page 55, line 10; page 58, line 18 to page 60, line 11; Figure 21).

Dependent claim 27 claims providing the selected set of default image display characteristics to the image server to adjust the requested image in accordance with the set of default characteristics for display on a computer client display monitor (Specification, page 54, line 29 to page 56, line 2; page 58, line 3 to page 60, line 25; Figure 21).


## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-33 are patentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,581,109 of Fields et al. (hereinafter "Fields") in view of alleged knowledge in the art?

# VII.  ARGUMENT

Claims 1-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fields, et al. (US 6,581,109 B1, hereinafter referred to as "Fields") in view of alleged knowledge in the art. As discussed above, Appellants' invention as claimed is directed to a method that enables image providers to distribute images with enhanced accuracy (e.g., via image color correction) to user image display systems, when user image display systems have not been characterized and/or calibrated, or do not make characterization and/or calibration information available to image providers.

Fields describes a system for adjusting color images at a server before the images are supplied to a client (Fields, Abstract; column 2, lines 14-42).  Images that are to be supplied to a client are adjusted "on-the-fly" for a specific client machine (Fields; column 2, lines 14-21; column 2, lines 43-54; Figure 3; elements 60-72).  So that various client machines may receive adjusted color images, each client machine is required to download and execute a calibration application on the client machine (Fields, Figure 3, elements 40-50; column 5, lines 3-22; Figure 5).  Calibration results for each client machine that has both downloaded and executed the application are stored at an image server (Fields, Figure 3, elements 54-56; column 5, lines 28-44).  When a server receives an image request from a specific client machine, the calibration results/user profile are utilized by an image server to serve an adjusted image (Fields, Figure 3, elements 60-72; column 5, lines 45-60).  If calibration data does not exist for a specific client machine, a default web page or image is supplied by the server (Fields; column 5, lines 50-52).

The Examiner references Alleged Knowledge in the Art to suggest that factory settings of a display device correspond to default characteristics for display on a client computer system (Final Office Action, mailed January 23, 2007, page 4).

**A. Claim Group I: Claims 1-33. Appellants' Invention is Patentable Over U.S. Patent No. 6,581,109 of Fields et al. (hereinafter "Fields") in view of Alleged Knowledge in the Art.**

The Examiner has rejected claims 1-33 under 35 U.S.C. § 103(a) over Fields. "To establish a *prima facie* case of obviousness … the prior art reference (or references when combined) must teach or suggest all the claim limitations" (MPEP 706.02(j); *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). The Appellants respectfully submit that Fields fails to disclose or suggest the invention as claimed by the Appellants.

As discussed above, claim 1 is directed to allowing image providers to distribute images with enhanced accuracy (e.g., via image color correction) to user image display systems that have not been characterized and/or calibrated, or that do not make characterization and/or calibration information available to image providers. As recited in claim 1, this is done by selecting a set of default image display characteristics to adjust the requested image, the set of default image display characteristics being unrelated to the image display characteristics of the client computer.

### 1. *Fields fails to teach or suggest each and every limitation of the Appellants' invention as claimed in Claim Group I.*

Fields describes a system for distributing images with adjusted colors to client display systems that have both downloaded and executed a calibration application. Only after the application has been executed by a user on a display system, may a color adjustment for the image be selected. The Examiner stated that "[a]lthough Fields does not explicitly teach default characteristics for display on the client computer, it is implicit that these default characteristics correspond to the factory settings of the display. The calibration data as taught by Fields then corresponds to the set of default image display characteristics to adjust the requested image on the client computer" (Final Office Action, page 4).

The Appellants respectfully disagree. Fields specifically teaches away from such a default setting by specifying that <u>only</u> after calibration has occurred will Fields send a <u>calibrated image</u>. Therefore, because Fields teaches away, an fails to teach or suggest each and every limitation of the Appellants' invention, the Appellants' invention is not rendered obvious by Fields under 35 U.S.C. § 103(a).

Fields describes supplying an image in response to a request that is either (a) adjusted based on prior obtained/individualized calibration data, or (b) not adjusted, but rather is a default image/page (Figure 3, elements 62-72). As taught by Fields, a default image is a single image file maintained on an image server (Fields, column 6, lines 55-64). Default images are color corrected <u>only when</u> calibration data is available for a particular client device (Fields, Figure 3, elements 66-72). When calibration data is not available for a particular client machine, the

default image, which corresponds to the <u>unmodified default image</u> file, is provided to the client

(Figure 3, elements 62-64).

In claim 1, the Appellants claim in part:

determining the unavailability of client computer image display characteristics to
the image server; and
selecting a set of default image display characteristics to adjust the requested
image in accordance with the set of default characteristics for display on
the client computer, the set of default image display characteristics being
unrelated to the image display characteristics of the client computer.

Fields fails to make these limitations obvious under 35 U.S.C. § 103.

The Appellants do agree with the Examiner that Fields does determine whether an image

server has stored thereon calibration data for a given client device. However, Fields specifically

states that if such calibration data is not found, a default (i.e. unadjusted) image is sent.

Therefore, Fields clearly teaches away from claim 1 which recites "adjust the requested image in

accordance with the set of default characteristics for display on the client computer, the set of

default image display characteristics being unrelated to the image display characteristics of the

client computer."

The only passage of Fields, which addresses the unavailability of calibration data, Fields

recites "If a client request is received, the operation continues at step 62 with the controller 33

testing to determine whether the client request has been issued by a client having a stored user

profile. If not, the routine branches to step 64 to serve a default web page" (Fields, column 5,

lines 46-50). Thus, Fields fails to makes any suggestion that a default image/web page is subject

to adjustment of any kind when calibration data is determined to be unavailable.

Claim 1, however, addresses exactly this feature, completely missing from Fields.  That is, when it is determined that display characteristics are not available for a user of a specific request, "a set of default image display characteristics to adjust the requested image" are selected. Fields is absolutely silent as to any default image display characteristics that are obtained, determined, utilized, or selected.  Rather, Fields describes in numerous locations that images are only adjusted when calibration data for a specific client is available to an image server (*See, e.g.,* Fields at column 6, lines 56-60 *stating* "[a] major advantage is that the image correction is supplied only when it is needed, namely, at the time when the server has received a request for the image from a user that has already supplied calibration data for his or her particular machine configuration" [Emphasis Added]).  Therefore, Fields fails to describe utilizing default image display characteristics to adjust an image when it is determined that calibration data is not available.

The Examiner asserts:

Although Fields does not explicitly teach default characteristics for display on the client computer, it is implicit that these default characteristics correspond to the factory settings of the display.  Fig. 4 of Fields teaches the user selecting the corresponding monitor from the listbox (80) consisting of a list of commercial monitors.  Listbox (82) identifies the available display resolution for each display monitor that may be selected [col. 6 lines 5-9].  Therefore, it is well known that commercial monitors have default settings and thus, the user selects these default setting by selecting the corresponding commercial monitor.  The calibration data as taught by Fields then corresponds to the set of default image display characteristics to adjust the requested image on the client computer [col. 6 lines 10-15].

(Final Office Action, pages 2-3)

The passage cited by the Examiner describes a listbox for selection of a commercial monitor.

However, the listbox is provided through an interface of a calibration applet (Fields, column 5,

line 58 to column 6, line 15). That is, the applet obtains default monitor settings as calibration data that is in turn utilized by an image server. By the explicit teachings of Fields relied upon by the Examiner, the default monitor settings obtained through the execution of a calibration applet are provided to an image server, so that the image server may adjust an image based on a known client machine configuration (Figure 3, elements 40-50; column 5, line 58 to column 6, line 15). That is, this selection of Fields' only occurs during calibration, and therefore cannot be associated with a device for which calibration data is not available.

The Appellants claim, however, that when it is determined that client computer image display characteristics are unavailable to an image server, then "a set of default image display characteristics to adjust the requested image in accordance with the set of default characteristics for display on the client computer" are utilized. In Fields, the default monitor settings, which the Examiner asserts are implicit in Fields, are obtained through an applet executed on a client machine prior to an image request so that display characteristics of client are available to an image server (*See* Fields, Figure 3; column 5, line 58 to column 6, line 15). Only when the default settings are known/obtained prior to an image request by the client machine, would the default settings then be utilized to adjust a color image. Therefore, by the very teachings of Fields asserted by the Examiner, Fields fails to teach or suggest "determining the unavailability of client computer image display characteristics to the image server; and selecting a set of default image display characteristics to adjust the requested image in accordance with the set of default characteristics for display on the client computer."

**2. There is no suggestion or motivation to modify Fields as set forth by the Examiner.**

As claimed by the Appellants, the default image display characteristics are "unrelated to the image display characteristics of the client computer." The Examiner stated "Listbox (82) identifies the available display resolution for each display monitor that may be selected [col. 6 lines 5-9]. Therefore, it is well known that commercial monitors have default settings and thus, the user selects these default setting by selecting the corresponding commercial monitor" (Final Office Action, pages 2-3). The Examiner further states that "the set of default image display characteristics being unrelated to the image display characteristics ["calibration data/parameter"] of the client computer ["client"]" (Final Office Action, page 4). The Appellants respectfully submit that they are confused as to the Examiner's position. In one instance, the Examiner appears to state that default monitor display settings of a client computer represent default image display characteristics. However, default monitor settings are by their very nature related to a specific client's display device. In another instance, the Examiner appears to state that the default display characteristics are unrelated to a client computer. The Appellants do not understand how default monitor settings selected by a user for a specific client device, can be unrelated to the client computer. Rather, the default monitor settings selected by a user are directly related to the display characteristics of a client computer, and this selection is part of the calibration process. Therefore, to interpret Fields as argued by the Examiner would be contrary to the explicit and repetitive teachings of Fields.

As discussed above, Fields teaches a calibration application for obtaining client-specific calibration data. That is:

> [E]ach user of a client machine may provide calibration data to the server, which
> then serves different color-adjusted versions of the image to the respective client
> machines as a function of that data. Thus, for example, one particular user might
> receive a version of the image that has been color-adjusted to alter a given hue.
> Yet another user might receive a version of the image that has been color-adjusted
> to alter a given saturation. A third user might receive still another version of the
> image that has been color-adjusted for luminance.

> (Fields, column 2, lines 30-39)

Thus, Fields teachings teach away from providing adjustment based on the set of default image

display characteristics, where "the set of default image display characteristics being unrelated to

the image display characteristics of the client computer." The Examiner states that "although

Fields does not explicitly teach default characteristics for display on the client computer, it is

implicit that these default characteristic corresponds to the factory settings of the display" (Final

Office Action, page 4). Appellants understand the Examiner to interpret Fields as utilizing the

factory display settings as default characteristics when calibration data is unavailable. The

Examiner's interpretation, however, would require that information be known about the client

display system. Then, the default display characteristics, based on monitor factory settings (as

taught by Fields in light of supposed implicit knowledge in the art), would be directly based on

user entered display characteristics of the client device. However, Appellants claim "the set of

default image display characteristics being unrelated to the image display characteristics of the

client computer."

Therefore, claim 1, and claims 2-33 which depend on claim 1, are not obvious over Fields.

**B. Claim Group II: Claim 2-33. The Combination of Fields and Alleged Knowledge
in the Art Do Not Teach or Suggest "the Set of Default Image Display**

**Characteristics is Based on Average Image Display Characteristics of a Plurality**

**of Computer Clients Having Known Image Display Characteristics."**

Appellants respectfully submit that Fields fails to teach or suggest each and every limitation as claimed.  The reasons discussed above with respect to independent claim 1 are applicable to claim 2, and are hereby incorporated by reference.

Claim 2 includes the additional limitation of "the set of default image display characteristics is based on average image display characteristics of a plurality of computer clients having known image display characteristics."  In other words when it is determined that client computer image display characteristics are unavailable to the image server, a "best fit" image enhancement (e.g., via image color correction) is selected since the display characteristics of a client computer system are currently unknown (Specification, page 54, line 29 to page 55, line 10; page 58, line 18 to page 60, line 11; Figure 21).  That is, the default image display characteristics are based on "average image display characteristics of a plurality of computer clients having known image display characteristics" to produce the "best fit" given the lack of available information for a target client computer system.

The Examiner asserts that Fields discloses "the set of default image display characteristics is based on average image display characteristics of a plurality of computer clients having known image display characteristics" (*See* Final Office Action, page 4 *citing* Fields, Abstract; Figure 3, column 2, lines 14-42).  The Appellants respectfully disagree.  Rather, Fields repeatedly teaches providing individualized color adjustment to a specific client system of a user (*See e.g.,* Fields, Abstract stating: "[a] web page image is modified 'on-the-fly' <u>for a specific client machine</u> according to calibration parameters <u>for that machine</u>" [Emphasis Added]).  Each

client machine that is to receive a color adjusted image must execute a calibration application, so that client-specific calibration data may be stored by an image server (Fields, column 2, lines 14-42). Fields is completely silent as to averaging any calibration results for multiple client systems, or that a default image display characteristic is based on an average of a plurality display characteristics for known devices, as claimed by the Appellants. Rather, Fields teaches the opposite of selecting a "set of default image display characteristics is based on average image display characteristics of a plurality of computer clients having known image display characteristics," because Fields discloses that calibration results (and thus image color adjustment) are personalized for each specific client machine and specific user's of that machine.

In fact, to interpret Fields as teaching the noted limitation would render Fields unsatisfactory for its stated purpose, which is to ensure that each individual client machine receives a color image adjusted specifically for that client device (Fields, column 6, line 55 to column 7, line 8). That is, if Fields utilized an average calibration result for image color adjustment, the color adjustment would not be device specific.

Therefore, in addition to the reasons applied above to claim 1, claim 2 is independently patentable. Appellants respectfully submit that Fields does not render obvious the claims of Claim Group II under 35 U.S.C. § 103(a).

**C. Claim Group III: Claim 27-33. The Combination of Fields and Alleged Knowledge in the Art Do Not Teach or Suggest "Providing the Selected Set of Default Image Display Characteristics to the Image Server to Adjust the**

**Requested Image in Accordance with the Set of Default Characteristics for**

**Display on a Computer Client Display Monitor."**

Appellants respectfully submit that Fields fails to teach or suggest each and every

limitation as claimed. The reasons discussed above with respect to parent claims 1 and 2, are

applicable to claim 27, and are hereby incorporated by reference.

Claim 27 includes the additional limitation of "providing the selected set of default image

display characteristics to the image server to adjust the requested image in accordance with the

set of default characteristics for display on a computer client display monitor." That is, a

selected set of default image display characteristics (e.g., the "best-fit" display characteristics)

are provided to an image server, for use upon determining the unavailability of a client device's

display characteristics, to allow the image server to adjust the requested image in accordance

with the set of default characteristics (Specification, page 54, line 29 to page 56, line 2; page 58,

line 3 to page 60, line 25; Figure 21).

The Examiner argued that Fields teaches "providing the selected set of default image

display characteristics to the image server to adjust the requested image in accordance with the

set of default characteristics for display on a computer client display monitor" (*See* Final Office

Action, page 11 *citing* Fields, Abstract; Figure 3, column 2, lines 14-42). The Appellants

respectfully disagree. Rather, Fields teaches a server receiving client-specific calibration data for

use in the color adjusting of an image. Only after all calibration tests have been completed (*See*

Fields, Figure 3, elements 46-52) is the client-specific calibration data transmitted to an image

server. As taught by Fields, the calibration test data includes offset values to adjust red, green,

and blue color components based on a user's perception of those color components (Fields,

column 6, lines 16-42). A user's visual perception of a color, and data to adjust the color based on the user's perception is in no way related to default values.

Fields is completely silent as to "providing the selected set of default image display characteristics to the image server to adjust the requested image in accordance with the set of default characteristics for display on a computer client display monitor." Rather, the data provided to an image server by Fields is highly specific to a user and a particular display system, and is only provided for systems that have calibration data available.

Therefore, in addition to the reasons applied to claims 1 and 2, claim 27 is independently patentable over Fields. Appellants respectfully submit that Fields does not render obvious the claims of Claim Group III.

## VIII. CONCLUSION

Appellants contend that all claims are in condition for allowance. Appellants contend that all claims are patentable in light Fields and alleged knowledge in the art. Therefore, Appellants respectfully submit that the reference does not teach, disclose, or make obvious Appellants' claimed invention. Appellants respectfully pray for reversal of the Examiner's rejection.

Authorization is hereby given to charge out Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Customer No.: 8791

Dated: July 24, 2007       By    /William W. Schaal/
                                 William W. Schaal
                                 Reg. No. 39,018
                                 Tel.: (714) 557-3800 (Pacific Coast)

## CLAIMS APPENDIX

## FOR APPEAL BRIEF UNDER 37 C.F.R. § 41.37(c)(1)(viii)

Claims 1-33 are the subject of this appeal.  A copy of claims 1-33, as they stand on appeal, are presented below.

1.    (Original) A method for providing images to a client computer over a computer network, comprising:

receiving a request from the client computer to an image server for an image;

determining the unavailability of client computer image display characteristics to the image server; and

selecting a set of default image display characteristics to adjust the requested image in accordance with the set of default characteristics for display on the client computer, the set of default image display characteristics being unrelated to the image display characteristics of the client computer.

2.    (Previously Presented) The method of claim 1, wherein the set of default image display characteristics is based on average image display characteristics of a plurality of computer clients having known image display characteristics.

3.    (Original) The method of claim 2, further comprising, prior to selecting the set of default characteristics:

3         determining one or more sets of default image display characteristics based on the

4               average image display characteristics of the plurality of computer clients having

5               known image display characteristics.

1   4.    (Original) The method of claim 3, wherein determining one or more sets of default image

2       display characteristics comprises:

3       determining groups of the computer clients having known image display characteristics;

4               and

5       calculating a set of default image display characteristics for each group of computer

6               clients having known image display characteristics.

1   5.    (Original) The method of claim 3, wherein determining one or more sets of default image

2       display characteristics comprises:

3       calculating one set of default image display characteristics for substantially all computer

4               clients having known image display characteristics.

1   6.    (Original) The method of claim 3, wherein determining one or more sets of default image

2       display characteristics comprises:

3       determining a group of computer clients having known image display characteristics that

4               are visually perceived as substantially uniform by a viewer; and

5       calculating a set of default image display characteristics for the group of computer clients.

7.    (Original) The method of claim 6, wherein determining the group of computer clients

having known image display characteristics that are visually perceived as substantially

uniform by a viewer comprises:

determining the group having the largest number of computer clients having known

image display characteristics that are visually perceived as substantially uniform

by a viewer.

8.    (Original) The method of claim 7, wherein determining the group having the largest

number of computer clients having known image display characteristics that are visually

perceived as substantially uniform by a viewer comprises:

determining the coordinates that are within a selected distance of the maximum number

of coordinate points in a multidimensional parameter space comprising the

characteristics of the plurality of computer clients having known image display

characteristics, the selected distance encompassing image display characteristics

that are visually perceived as substantially uniform by a viewer.

9.    (Original) The method of claim 7, wherein calculating the set of default image display

characteristics for the group of computer clients comprises:

determining the center of a multidimensional parameter space comprising the

characteristics of the plurality of computer clients having known image display

characteristics.

1  10.  (Original) The method of claim 7, wherein calculating the set of default image display

2  characteristics for the group of computer clients comprises:

3  determining coordinates in a multidimensional parameter space comprising the

4  characteristics of the plurality of computer clients having known image display

5  characteristics, the coordinates representative of a set of default image display

6  characteristics that maximize the amount of image adjustment for all computer

7  clients on the computer network.

1  11.  (Original) The method of claim 7, wherein calculating the set of default image display

2  characteristics for the group of computer clients comprises:

3  determining coordinates in a multidimensional parameter space comprising the

4  characteristics of the plurality of computer clients having known image display

5  characteristics, the coordinates representative of a set of default image display

6  characteristics that minimize the amount of image degradation for all computer

7  clients on the computer network.

1  12.  (Original) The method of claim 3, wherein determining the one or more sets of default

2  image display characteristics comprises:

3  determining the one or more sets of default image display characteristics in response to

4  each received image request.

1  13.  (Original) The method of claim 12, further comprising:

2        adjusting the requested image in accordance with the selected one of the one or more sets

3             of default characteristics determined in response to the received image request.

1   14.   (Original) The method of claim 12, further comprising, prior to determining the one or

2        more sets of default image display characteristics in response to each received image

3        request:

4        updating a database comprising the characteristics of the plurality of computer clients

5             having known image display characteristics to determine the one or more sets of

6             default image display characteristics.

1   15.   (Original) The method of claim 14, further comprising:

2        adjusting the requested image in accordance with the selected one of the one or more sets

3             of default characteristics determined in response to the received image request.

1   16.   (Original) The method of claim 3, wherein determining one or more sets of default image

2        display characteristics comprises:

3        periodically determining one or more sets of default image display characteristics based

4             on the average image display characteristics of the plurality of computer clients

5             having known image display characteristics.

1   17.   (Original) The method of claim 16, further comprising:

2        adjusting the requested image in accordance with the selected one of the latest one or

3             more sets of default characteristics.

1    18.    (Original) The method of claim 16, further comprising, prior to periodically determining

2    the one or more sets of default image display characteristics:

3    updating a database comprising the characteristics of the plurality of computer clients

4    having known image display characteristics to determine the one or more sets of

5    default image display characteristics.

1    19.    (Original) The method of claim 18, further comprising:

2    adjusting the requested image in accordance with the selected one of the latest one or

3    more sets of default characteristics.

1    20.    (Original) The method of claim 2, further comprising:

2    selecting an image in response to the request, the image being adjusted in accordance

3    with the selected set of default image display characteristics.

1    21.    (Original) The method of claim 20, wherein selecting an image adjusted in accordance

2    with the selected set of default image display characteristics comprises:

3    selecting an image adjusted in accordance with the selected set of default image display

4    characteristics from a plurality of adjusted images.

1    22.    (Original) The method of claim 2, wherein selecting the set of default image display

2    characteristics comprises:

3    selecting the set of default image display characteristics based on the average image

4    display characteristics of a plurality of computer clients having known image

5                display characteristics including one or more of input/output characteristics, color

6                rendering capabilities, and spatial rendering properties.

1    23.    (Original) The method of claim 22, wherein selecting the set of default image display

2        characteristics further comprises:

3        selecting the set of default image display characteristics based on characteristics of the

4                requesting client computer including one or more of software characteristics and

5                communication characteristics.

1    24.    (Original) The method of claim 22, wherein selecting the set of default image display

2        characteristics further comprises:

3        selecting the set of default image display characteristics based on characteristics of the

4                requesting client computer including the relative age of a client computer display

5                monitor.

1    25.    (Original) The method of claim 22, further comprising: prompting a user of the client

2        computer to provide information regarding the client computer; and selecting the set of

3        default image display characteristics comprises:

4        selecting the set of default image display characteristics based on information provided

5                by the user.

1    26.    (Original) The method of claim 25, wherein prompting a user of the client computer to

2        provide information regarding the client computer comprises:

3     prompting a user of the client computer to provide information regarding the display

4            monitor of the client computer including one or more of the display monitor type,

5            display monitor age, and display monitor location.

1   27.   (Original) The method of claim 2, further comprising:

2     providing the selected set of default image display characteristics to the image server to

3            adjust the requested image in accordance with the set of default characteristics for

4            display on a computer client display monitor.

1   28.   (Original) The method of claim 27, wherein providing the selected set of default

2     characteristics to the image server comprises:

3     providing the selected set of default characteristics and the requested image to the image

4            server to adjust the requested image in accordance with the set of default

5            characteristics for display on a computer client display monitor.

1   29.   (Original) The method of claim 27, wherein receiving the request comprises:

2     receiving the request at an image request server; and providing the selected set of default

3            image display characteristics to the image server comprises: bouncing the client

4            computer over the network to the image server

1   30.   (Original) The method of claim 29, wherein the computer network is an Internet, an

2     intranet, or a local area network.

1   31.   (Original) The method of claim 30, wherein determining the unavailability of client

2     computer image display characteristics to the image server comprises:

3  determining the unavailability of a client computer cookie to the image request server, the

4   cookie related to the image display characteristics of the client computer.

1 32. (Original) The method of claim 31, wherein bouncing the client computer comprises:

2  distributing JavaScript or VBScript to the client computer to bounce the client computer

3   over the network to the image server.

1 33. (Original) The method of claim 31, wherein bouncing the client computer comprises:

2  distributing HTML, XML, or other mark-up language commands to redirect the client

3   computer over the network to the image server.

**EVIDENCE APPENDIX**

**FOR APPEAL BRIEF UNDER 37 C.F.R. § 41.37(c)(1)(ix)**

No evidence is included with this brief.

**RELATED PROCEEDINGS APPENDIX**

**FOR APPEAL BRIEF UNDER 37 C.F.R. § 41.37(c)(1)(x)**


To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.